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OFFICE OF PETITIONS

In re Application of	:	
HAILEY, et al.	:	
Application No. 09/402,517	:	DECISION ON PETITION
Filed: October 5, 1999	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. RCA88469	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 6, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed July 24, 2006, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on September 25, 2006. See MPEP 1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an appeal brief/appeal fee; (2) the petition fee of \$1500; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center Art Unit 2623 for consideration of the appeal brief filed July 6, 2007.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

Brian W. Brown
Petitions Examiner
Office of Petitions